Docket No.: 10-004 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of :
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MOON *et al.* :
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Serial No.: 10/679,312 : Group Art Unit: 2168
:
Filed: October 7, 2003 : Examiner: AHN, Sangwoo

For: ARRANGEMENT FOR AUTONOMOUS MOBILE NETWORK NODES TO ORGANIZE A WIRELESS MOBILE NETWORK BASED ON DETECTED PHYSICAL AND LOGICAL CHANGES

MAIL STOP: APPEAL BRIEF – PATENTS
Commissioner for Patents
P.O. Box 1450
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REPLY BRIEF

Sir:

Appellant submits this Reply Brief within two months from the Examiner Answer mailed November 25, 2009, in accordance with 37 C.F.R. §41.41.

Reply to Examiner Arguments

The Examiner Answer demonstrates an unreasonable interpretation of the claimed subject matter,[1] and an improper disregard of explicitly claimed features.[2] The Examiner Answer also

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[1] "During patent examination, the pending claims must be 'given their broadest reasonable interpretation consistent with the specification.'" MPEP §2111 at 2100-46 (Rev. 3, Aug. 2005) (*quoting In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000)).

"The broadest reasonable interpretation of the claims must also be consistent with the mischaracterizes the applied reference by disregarding explicit descriptions that describe the exact opposite of what is offered in the Examiner Answer.[3] Hence, the Examiner Answer fails to establish that Solomon discloses the *identical* invention as arranged in the claim.[4]

In particular, the Examiner Answer rejects illustrations in the specification establishing the broadest reasonable interpretation of claimed features; the Examiner Answer also ignores descriptions of claimed terms in the applied reference (Solomon); the Examiner Answer also applies (supposed) dictionary meanings in an arbitrary and capricious manner so as to eviscerate the claimed subject matter.

Appellant further objects to all dictionary definitions offered by the Examiner Answer because those dictionary definitions have not been submitted as evidence into the record, nor are the dictionary definitions identified under the "Evidence Relied Upon" portion of the Examiner Answer as required under MPEP 1207.02. Further, Appellant has not been provided a copy of the dictionary definitions to verify the proposed definitions or determine if other qualifiers affect the proposed definitions.

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interpretation that those skilled in the art would reach." MPEP §2111.01 at 2100-47 (Rev. 3, Aug. 2005) (*citing In re Cortright*, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999)).

[2] It is well settled that each and every claim limitation must be considered. "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970)."

[3] "A prior art patent is a reference only for that which it teaches." *Corning Glass v. Sumitomo Electric*, 9 USPQ2d 1962, 1970 (Fed. Cir. 1989).

[4] See MPEP 2131. "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). "Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). Hence, it is not sufficient that a single prior art reference discloses each element that is claimed, but the reference also must disclose that the elements are arranged as in the claims under review. *In re Bond*, 15 USPQ2d 1566, 1567 (Fed. Cir. 1990) (citing *Lindemann Maschinenfabrik GmbH*).

The Amended Appeal Brief filed August 10, 2009 summarized the arguments as follows on page 10, lines 1-8:

> the applied reference fails to disclose or suggest the claimed features of independent claims 1, 12, 34, 45 and 48, namely that: (1) each of the network nodes generate their ***own respective decisions*** (as in claims 1, 12, and 34) or ***movement directives from optimization of routing metrics*** (as in claims 45 and 48); (2) the network nodes generate their decisions (or optimizations) ***autonomously of each other***; or (3) the network node ***synchronizes*** its world objects (or detected attribute information) with the ***other network nodes***, enabling the respective decisions by the network node to be ***coordinated*** with the other network nodes.

The Examiner Answer, however, manages to mischaracterize both the claimed subject matter and the applied reference to reach the unsupportable conclusion on page 20, lines 1-10 that:

> In order to anticipate the claimed feature, Solomon must disclose that this information [sic] is *shared* among the MRVs (including both the **lead** and the **drone** MRVs) and the **decisions made by the lead MRV** must be 'coordinated' (according to American Heritage Dictionary of English, 4th Ed., to be harmonized in a, action or effort) with the drone MRVs. It is blatantly clear that this is exactly what Solomon teaches.

As demonstrated in further detail below, the Examiner Answer repeatedly presents inconsistent positions that demonstrate a deliberate disregard of the explicitly claimed feature that ***each of the network nodes generate their own respective decisions*** (as in claims 1, 12, and 34) or ***movement directives from optimization of routing metrics*** (as in claims 45 and 40), where the network nodes generate their decisions (or optimizations) ***autonomously of each other***, and where the network node ***synchronizes*** its world objects (or detected attribute information) with the other network nodes, enabling the ***respective decisions by the network nodes*** to be ***coordinated*** with the other network nodes. In other words, the rejection fails to demonstrate Solomon teaches each and every element *as arranged in the claim*, because each citation by the Examiner Answer for one claim limitation is inconsistent with another claim limitation.

"Decision" / "Movement Directive"

Claims 1, 12, and 34 specify the network node generating a "decision", and claims 45 and 48 specify the network node generating a "movement directive".

The Examiner Answer demonstrates a *per se* unreasonable interpretation of the claimed term "decision" by arguing there is no distinction between a "reaction" and a "decision". For example, Page 14 of the Examiner Answer ("Response to Argument") on lines 1-15 states that there is no distinction between a "reaction" as disclosed in U.S. Patent Publication No. 2004/0134336 by Solomon and the claimed "decision" because "reaction" is not claimed at all. The Examiner Answer fails to cite any legal authority that a first claimed term (e.g., "decision") can only be distinguished from a second term ("reaction") by explicitly reciting the distinction within the claim itself.

Moreover, Examiner Answer disregards well settled law that requires that any interpretation of a claim term must be reasonable, *i.e.,* that the interpretation proposed by the Examiner Answer be consistent with the specification and consistent with the interpretation those skilled in the art would reach.[5] In fact, the Examiner Answer provides repeated examples of explicitly disregarding the specification or claims (see, e.g., page 14, lines 1-15) and submitting an arbitrary "dictionary definition" of "decision" (see, e.g., page 15, lines 18-20) to support an improper interpretation that conflicts with the claims, the specification, the definition used by the applied reference, or the interpretation those skilled in the art would reach.

The Examiner Answer argues for an interpretation of "decision" on page 15, while ignoring that claims 1, 12, and 34 specify "the smart world objects [in the world object database as a subclass of the world objects] generating decisions based on evaluation of selected world objects", "enabling the decisions by the network node to be coordinated", ***and*** "the network node and the other network node generate their decisions ***autonomously of each other***."[6]

The Examiner Answer also ignores the description of "decision" as specified in Solomon. The Appeal Brief demonstrates that the claims under appeal, the specification, *and* Solomon consistently describe a hierarchy between decisions and reactions (see, e.g., August 10, 2009

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[5] See footnote 1 *supra*.

[6] The August 10, 2009 Amended Appeal Brief describes in further detail these claimed features at pages 9-13.

Appeal Brief at pages 9-15). For example, Solomon does not disclose an autonomous decision by drone / slave MRVs; rather, the Solomon describes that an autonomous decision is executed centrally by a leader in a lead MRV having moral responsibility and capable of resolving conflicts (see, e.g., August 10, 2009 Appeal Brief at pages 13-15).

The Examiner Answer also is incorrect that "reaction" is not claimed at all: dependent claims 6, 17, and 39 specify reactions, which by claim differentiation render reactions distinct from decisions (see, e.g., 35 USC §112, fourth para.).

The Examiner Answer also is incorrect on pages 16 and 19 in its citation to examples of supposed "decisions" in Solomon:

- Fig. 6, element 650, para. 165, lines 13-15 describe a drone MRV measuring distance, velocity, and vector; however, para. 165 specifies at lines 2-4 that the lead MRV calculates the course of action and then supplies programming information to the MRVs in order to accomplish a specific mission. Para. 165 further specifies at lines 13-15 that "The closest MRV to the target(s) measures the target(s) distance, velocity and vector and supplies the data to the lead MRV (0650). The lead MRV orders the closest specialized MRVs to attack the target(s) (0660)." Hence, this example by the Examiner Answer is refuted by Solomon describing the closest MRV is programmed by the lead MRV and ordered by the lead MRV to attack. Measuring distance is not a disclosure of the claimed decision generated ***autonomously***, especially since the measuring by the drone MRV is at the control of the lead MRV, and not "autonomously" of the lead MRV.
- Fig. 16, element 1675 is described by paragraph 176, lines 18-26 of Solomon, where the sequence of operations at element 1675 is based on the lead MRV. "The lead MRV then transmits its mission tactic selection to MRVs by using mobile software agents (1660). The MRV drones accept the signal of the software agents and process this program code to memory (1665). The MRVs activate the software program code and activate actuators that enable them to move to the optimum route to attack the target (1670). The MRVs engage in a sequence of operations (1675) that leads to successfully attacking the target (1677)." Hence, the firing sequence of element 1675 is not a disclosure of the claimed decision generated ***autonomously***,

especially since the software code used by the drone MRV in step 1675 is supplied by the lead MRV, and not "autonomously" of the lead MRV.

●Fig. 17 elements 1740 and 1750, and para. 179 describe the "behavior-based methods" where each MRV responds to an environmental stimulus based on **rules of behavior** (para. 179, lines 12-15). However, para. 181 explicitly specifies that the lead MRV constructs and transmits "simple rules" that are used by the MRV drones to "interact with each other and with the environment" as identified at Fig. 17 elements 1740 and 1750, and para. 179. Hence, Fig. 17 elements 1740 and 1750, and para. 179 still rely on the "simple rules" transmitted by the lead MRV, and fail to disclose the claimed decision generated ***autonomously.*** In fact, the Examiner Answer admits that the MRV drones require rules of behavior, disclosed by Solomon as supplied by the lead MRV.

●The self-diagnostic process of Fig. 20, para. 191, is initiated by the MRV being **asked if it is capable of participating in a squad**. Hence, the MRV still is relying an input to initiate the self-diagnostic process: paragraphs 181 and 189 (lines 7-9) describe that the lead MRV creates "clear rules of operation and interaction in order to achieve a task". Hence, the drone MRV still relies on operational rules from the lead MRV, including *initiating* self-diagnostic procedures to determine if it is qualified to participate in a squad, or powering down as in Fig. 21, para. 192. Para. 191 also does not provide any reference to "decide" whether to continue on mission – such language by the Examiner Answer is self-serving and without foundation, and speculative at best. Regardless, there is no disclosure or suggestion that the power-down of para. 192 is "coordinated" with the other network nodes, as claimed.

Hence, Solomon consistently describes a hierarchy that requires operational decisions and rules to be executed and distributed by the lead MRV. Any conflicts must be resolved by the lead MRV (para. 292), precluding any drone MRV from ***autonomously*** generating its own decision. Each of the sections cited on page 16 rely on rules or instructions from the lead MRV, *including* rules-based behaviors that define how a drone MRV is to respond to an environmental stimulus.

Consequently, the assertion at the bottom of page 16 of the Examiner Answer that "Solomon discloses that the MRVs ... 'generate ***their own*** respective decisions" is speculative, without foundation, and legally improper.[7] For this reason alone the §102 rejection of independent claims 1, 12, and 34 must be withdrawn.

"Optimization of Routing Metrics According to a Prescribed Routing Protocol"

The Examiner Answer also rejects illustrations in the specification that establish the broadest reasonable interpretation of the claimed "optimization of routing metrics according to a prescribed routing protocol" in order to offer a "dictionary definition" of "routing" that is inconsistent with the specification, and inconsistent with the interpretation those skilled in the art would reach. Hence, the proposed interpretations of "routing" offered the Examiner Answer is *per se* unreasonable.[8]

Page 16 of the Amended Appeal Brief filed August 10, 2009 established the broadest reasonable interpretation of "prescribed routing protocol" as including a decision of how to route data packets in a network. Rather than demonstrating that the proposed interpretation in the Examiner Answer is consistent with this description in the specification, the Examiner Answer rejects this description and asserts on page 17 that '"routing" means determining a line of travel, course or territory, or means of reaching a goal (based on American Heritage Dictionary of English, 4th Ed.). Appellant objects to this newly-cited definition because a copy of this definition is not properly cited in the Examiner Answer, nor has Appellant been provided a copy of this definition.

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[7] See MPEP 2131. "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). "Anticipation cannot be predicated on teachings in the reference which are vague or based on conjecture." *Studiengesellschaft Kohle mbH v. Dart Industries, Inc.*, 549 F. Supp. 716, 216 USPQ 381 (D. Del. 1982), *aff'd.*, 726 F.2d 724, 220 USPQ 841 (Fed. Cir. 1984).

[8] See footnote 1 *supra*.

Regardless, Appellant is forced to respond to this newly-presented "definition" of "routing" by demonstrating that it is inconsistent with the illustration of "routing protocol" in the specification as described at page 16 of the Amended Appeal Brief, as well as the illustration provided at page 9, lines 17-19 of the specification:

> By way of analogy, devices such as Internet Protocol (IP) routers that implement ***existing routing protocols such as Internet Protocol*** typically construct a "forwarding table" as used to determine the "next hop" for a packet.

The proposed "definition" of "routing" as "determining a line of travel, course or territory, or means of reaching a goal" also is inconsistent with the interpretation *those skilled in the art would reach*, as demonstrated by the cited reference Burden, "Routing in the Internet" (cited in section 8 of the Examiner Answer). Burden defines "routing" at the beginning of the article as "the technique by which ***data finds its way from one host computer to another***. In the Internet context there are three major aspects of routing[:] 1. Physical Address Determination[;] 2. Selection of inter-network gateways[; and] 3. Symbolic and Numeric Addresses."

While the claims, specification, and Burden provide *consistent* definitions of "routing", the dictionary definition offered in the Examiner Answer is inconsistent with the specification, and inconsistent with Burden (illustrating the definition *those skilled in the art would reach*), and therefore unreasonable. A mere dictionary definition is insufficient to establish consistency with the definition *those skilled in the art would reach.*

For this reason alone the §102 rejection of independent claims 45 and 48 must be withdrawn.

Assuming *arguendo* that the definition of routing as suggested in the Examiner Answer is applied (i.e., determining a line of travel, course or territory, or means of reaching a goal), Solomon still fails to disclose or suggest the claimed generating ***by the network node*** a movement directive based on ***the network node*** executing an optimization of ***routing metrics*** relative to the received detected attribute information and according to a prescribed routing protocol, where ***the network node and the other network nodes execute their respective optimizations of routing metrics autonomously of each other***.

As admitted on page 18 of the Examiner Answer, the **lead MRV transmits directions to MRVs**, which by definition prevents the MRVs from executing their respective optimizations of routing metrics ***autonomously of each other***.

The argument on pages 18-19 of the Examiner Answer also fails to demonstrate how "distance measuring" can reasonably be considered a disclosure of the claimed "respective optimizations of routing metrics autonomously of each other" as specified in claims 45 and 48. As described *supra* on pages 5-6, the examples offered each rely on the lead MRV providing rules of behavior and software programming to enable the drone MRVs to execute behavioral responses to environmental stimuli: receipt of rules of behavior and software programming by the drone MRVs from the lead MRV refutes any assertion that Solomon discloses MRVs executing their respective optimizations of routing metrics ***autonomously of each other***.

For these and other reasons, the §102 rejections of independent claims 435 and 48 must be withdrawn.

"Synchronizing the World Objects / Detected Attribute Information"

The Amended Appeal Brief filed August 10, 2009 established on pages 12-13 and 18-20 the broadest reasonable interpretation of "synchronizing" requires synchronization of all the world objects / detected attribute information with the other network nodes, and not merely a portion thereof, as urged in the Examiner Answer.[9] The Examiner Answer demonstrates an unreasonable interpretation of the claimed "synchronizing", by completely ignoring the examples in the specification of synchronization as identified in the Amended Appeal Brief. More fundamentally, the Examiner Answer fails to establish that "synchronizing" should be interpreted as "sharing".

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[9] Page 12 of the Amended Appeal Brief stated: As described in the specification, the synchronization of the respective databases (page 4, line 23) provides "a level of understanding between all the mobile nodes 12 as to the state of the network 10 from the perspective of each of the individual nodes 12" (page 8, lines 5-6), enabling the inheritance of objects from other mobile nodes by the world object database 100 to represent a model of the entire mobile network (page 9, lines 8-12).

The Examiner Answer demonstrates at page 14, lines 15-20 a deliberate disregard of explicitly claimed features (e.g., in independent claims 1, 12, and 34) by arguing that the synchronization of world objects, "*including* smart world objects, sensor objects, second network node objects, and a world object specifying a directive" are not claimed. Hence, the Examiner Answer appears to argue that the claimed synchronization does *not* include the synchronization of smart world objects, sensor objects, second network node objects, or a world object specifying a directive. However, as demonstrated below independent claims 1, 12, and 34 specify each of these claimed features:

1. (PREVIOUSLY PRESENTED) A method in a network node, the method comprising:

establishing by the network node ***a world object database in the network node and that stores world objects***, the world objects representing respective attributes of an infosphere of a network that includes the network node, ***the world object database including smart world objects as a subclass of the world objects***, the establishing including the smart world objects generating decisions based on evaluation of selected world objects;

adding by the network node, as world objects to the world object database, sensor objects from sensor data generated in response to detected attributes within the infosphere, *the sensor objects including network node objects associated with the network node*;

forming the network by the network node based on: discovery of other network nodes, ***adding second network node objects as world objects to the world object database*** and representing attributes of the other network nodes, and ***synchronizing the world objects with the other network nodes*** enabling the decisions by the network node to be coordinated with the other network nodes, wherein the network node and the other network nodes generate their respective decisions autonomously of each other; and

performing by the network node a change in at least one of position, velocity, orientation, or wireless communication characteristics of the network node based on detecting ***a world object specifying a directive*** that is generated based on at least one of the decisions, for optimization of the network node relative to the other network nodes.

12. (PREVIOUSLY PRESENTED) A network node comprising:

a mobility platform configured for performing a change in at least one of position, orientation, or wireless communication characteristics of the network node based on a received directive, the mobility platform configured for generating sensor data in response to detection of physical attributes within an infosphere of a network that includes the network node; and

an executable routing resource configured for supplying the directive and receiving the sensor data, the executable routing resource including:

(1) a first independently executable resource configured for ***establishing within the network node a world object database that stores world objects representing respective***

attributes of the infosphere, the world object database including smart world objects as a subclass of the world objects and configured for generating decisions based on evaluation of selected world objects,

(2) a second independently executable resource configured for ***adding, as world objects to the world object database, sensor objects*** from the sensor data, *the sensor objects including network node objects associated with the network node*, and

(3) a third independently executable resource configured for forming the network based on: discovery of other network nodes, ***adding second network node objects as world objects to the world object database*** and representing attributes of the other network nodes, and ***synchronizing the world objects with the other network nodes*** enabling the decisions by the network node to be coordinated with the other network nodes, wherein the network node and the other network nodes generate their respective decisions autonomously of each other;

wherein *the decisions generated by the smart world objects are used to generate at least one vector object that specifies* ***the directive*** for use by the mobility platform, for optimization of the network node relative to the other network nodes.

34. (PREVIOUSLY PRESENTED) A network node comprising:

means for ***establishing within the network node a world object database that stores world objects***, the world objects representing respective attributes of an infosphere of a network that includes the network node, ***the world object database including smart world objects as a subclass of the world objects*** and configured for generating decisions based on evaluation of selected world objects;

means for ***adding, as world objects to the world object database, sensor objects*** from sensor data generated in response to detected attributes within the infosphere, *the sensor objects including network node objects associated with the network node*;

means for forming the network based on: discovery of other network nodes, ***adding second network node objects as world objects to the world object database*** and representing attributes of the other network nodes, and ***synchronizing the world objects with the other network nodes*** enabling the decisions by the network node to be coordinated with the other network nodes, wherein the network node and the other network nodes generate their respective decisions autonomously of each other; and

means for performing a change in at least one of position, velocity, orientation, or wireless communication characteristics of the network node based on detecting ***a world object specifying a directive*** that is generated based on at least one of the decisions, for optimization of the network node relative to the other network nodes.

Hence, each of the independent claims 1, 12, and 34 explicitly specify that the smart world objects are a subclass of the world objects, sensor objects are added as world objects to the world object database, second network node objects are added as world objects to the world object database; claims 1 and 34 explicitly specify a world object specifying a directive, and claim 12 specifies "the decisions generated by the smart world objects are used to generate at least one vector object that specifies the directive for use".

Claims 1, 12, and 34 further specify "the world objects representing respective attributes of an infosphere of a network that includes the network node." Moreover, claims 1, 12, and 34 do not specify synchronizing "at least a portion of" the world objects with the other network nodes; to the contrary, these claims specify synchronizing ***the* world objects** with the other nodes: the claims establish antecedent basis by specifying"a world database that stores world objects", *plus* "adding, as world objects to the world object database, sensor objects", and "adding second network node objects as world objects to the world object database". Hence, the claims require synchronizing ***the*** world objects stored in the world object database (i.e., ***all*** the world objects), and not merely a portion thereof.

Further, the assertion at page 14 that there may be "other types of objects" that might not be synchronized is inconsistent with the explicit claim language of "a world object database in the network node and that stores world objects" in conjunction with "synchronizing "***the*** world objects with the other network nodes enabling the decisions by the network node to be coordinated with the other network nodes." The assertion of "other types of objects" also is unreasonable because it is inconsistent with the specification describing the "world objects representing respective attributes of an infosphere of a network."[10]

For these and other reasons, the §102 rejection of claims 1, 12, and 34 must be withdrawn.

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[10] Page 9, lines 8-16 describe the world object database and the "infosphere" as follows: "The world object database 100 represents a model of the "world" as perceived by the mobile node 12, including inheritance of objects from the other mobile nodes 12 within the mobile network 10. Hence, ***the world object database 100 encompasses all attributes associated with the mobile network 10 (i.e., the "infosphere")***. As described below, infosphere (i.e., the attributes associated with the mobile network 10), including for example network topology, geographic and physical parameters of the region encompassed by the mobile network 10, routing of data packets by a mobile node 12, etc., are represented using data objects represented according to multiple n-dimensional vectors that can be transformed based on transformational matrices.

In addition, the Examiner Answer page 20 argues that synchronization merely requires "information is *shared* among the MRVs (including both the lead and the drone MRVs) and the **decisions made by the lead MRV must be 'coordinated' ... with the drone MRVs**." This definition is *per se* unreasonable because it is inconsistent with the explicit claim language of "generating by the network node a movement directive based on the network node executing an optimization of routing metrics relative to the received detected attribute information and according to a prescribed routing protocol", in combination with "the network node and the other network nodes execute their respective optimizations of routing metrics ***autonomously of each other.***"

The Examiner Answer argues that the decision by the lead MRV must be "coordinated" with the drone MRVs. However, the claims do not specify that the ***movement directive*** (or decision) is sent from one lead MRV to a drone MRV to "coordinate" the decision; claims 45 and 48 specify synchronizing ***the detected attribute information*** with the other network nodes. Claims 45 and 48 already specify that the network node generates a movement directive based on the network node executing an ***optimization of routing metrics relative to the received detected attribute information***. Hence, the claimed synchronization enable the other network nodes to execute their ***respective optimizations autonomously of each other*** based on the ***detected attribute information*** that is ***synchronized among the network node and the other network nodes***.

Hence, Solomon fails to disclose or suggest synchronizing the ***detected attribute information*** with the other network nodes, because the claims do not specify sending a movement directive to coordinate the other network nodes; to the contrary, each network node ***autonomously executes its optimization of routing metrics*** based on the ***synchronized*** detected attribute information, the coordination resulting from each of the network nodes using the ***synchronized*** detected attribute information.

Since Solomon fails to disclose these or other features, the §102 rejection of claims 45 and 48 must be withdrawn.

It is believed the dependent claims are allowable in view of the foregoing.

For the reasons set forth above, it is clear that Appellant's claims 1-22, 34-50, 52, and 54 are patentable over the references applied. Accordingly the appealed claims 1-22, 34-50, 52, and 54 should be deemed patentable over the applied references. It is respectfully requested that this appeal be granted and that the Examiner's rejections be reversed.

Respectfully submitted,

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